Per G.S. Singhvi, C.J.

Sri Vasudev Gangadhar and L. Gopal, both residents of Bhainsa, Adilabad District, have filed this petition in public interest for ensuring that the land of B.C. Boys Hostel, Bhainsa, meant for backward classes is not encroached by respondent No.5.

In compliance of the direction given by this Court on 22-12-2005, Mandal Revenue Officer, Bhainsa, Adilabad District has filed counter affidavit, dated 26-12-2005, paragraphs 2 and 3 of which reads as under:

> "2. I submit that the above Writ Petition is filed by the petitioners for a declaration that the action of the respondents 1 and 2 i.e., revenue-authorities in not taking steps to evict unofficial 5th respondent from the land in Sy. No.338/P admeasuring Acs.0-6½ gts. Belonging to B.C. Boys Hostel, Bhainsa, Adilabad District as illegal and for a consequential direction to the respondents 1 and 2 to forthwith initiate action to evict unofficial 5th respondent as per law.
> The Writ Petition was filed by the petitioners as residents of Bhainsa Town and social workers working for the benefit of B.C. people of the area. It is stated by the petitioners that the Government has allotted 0-22 gts. of land in Sy.No.338 of Bhainsa Town for B.C. Boys Hostel and the hostel was constructed in the said land and the same is functioning at present with a strength of 120 to 132 students inmates. The complaint of the petitioners is that the unofficial 5th respondent encroached the land to an extent of Ac.0-07 gts unauthorisedly in the government land allotted to B.C. Boys Hostel and erected a wire fencing to keep timber loads and woods they have purchased for the purpose of saw mill. It is stated that in view of the said illegal occupation, the hostel students are put to lot of inconvenience. It is stated by the petitioners that in spite of the report of the Survey authorities no action is taken to evict the encroachers on the Government land.
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> 3. At the outset, it is to be submitted that the Government allotted an extent of 0-17 gts of land in Sy.No.338 to the B.C. Boys Hostel, Bhainsa and the building was constructed and at

present the hostel is functioning. On receipt of complaints about the encroachments made by the unofficial 5th respondent, who is running a saw-mill in Sy.No.337 a patta land adjacent to the government land in Sy. No.338, a memo dated 22-02-2005 was issued by my office directing the Mandal Revenue Inspector, Bhainsa to inspect and demarcate land of the Government and to identify the encroachments, if any. Pursuant to the same, the Mandal Revenue Inspector and Mandal Surveyor visited the land occupied by the Govt. B.C. Boys Hostel in Sy.No.338 situated at Bhainsa and found that the unofficial 5th respondent and his brothers encroached a part of land in Sy.No.338 admeasuring 0-07 gts. Necessary sketch was also enclosed by the Mandal Revenue Inspector, Bainsa showing the encroached land. Pursuant to the same, I have issued a notice dated 24-02-2005 under Section 7 of L.E. Act to the unofficial

5th respondent to show cause as to why he should not be evicted from the encroached land and served the same on him on 25-02-05.

In reply to the show-cause-notice, unofficial

5th respondent submitted his explanation on

4-3-05 through his counsel and the enquiry was adjourned to 5-7-05 at the request of the Counsel for the 5th respondent. On 5-7-2005 the 5th respondent was present through his counsel and filed documents. Later as the unofficial 5th respondent submitted a petition to me for conducting survey, I submitted a letter to the Revenue Divisional Officer, Nirmal on 6-06-05 to depute Deputy Inspector of Survey and Land Records, Nirmal Division to demaracate the land in Sy. No.338 and to fix up boundaries of land allotted to Govt. B.C. Boys Hostel, Bhainsa to take further action under L.E. Act. Pursuant to the instructions of the Revenue Divisional Officer, Nirmal Division, the Deputy Inspector of Survey and Land Records conducted the Survey and submitted a report to the Revenue Divisional Officer, Nirmal Division on 28-6-05 along with Panchanama of demarcation. The said report would indicate the encroachments of 0-6½ gts by the encroachers. Considering all the material available, I passed orders under Section 6 of L.E. Act on 23-12-2005 for eviction of encroached land of 0-6½ gts and as the

5th respondent was not available for service, the same was affixed to the last known address of the 5th respondent on 23-12-05. Pursuant to the orders of eviction dated 23-12-05, the Mandal Revenue Inspector proceeded to the spot on 24-12-05 along with Incharge Panchayat Secretary, Bhainsa and

removed the fencing put up by the 5th respondent in Sy. No.338 in occupation of 0-6½ gts. Govt. land duly conducting Panchanama. The encroached land taken possession from the 5th respondent was handedover to the Govt. B.C. Boys Hostel, Bhainsa on 24-12-05.

As the land was allotted to Govt. B.C. Boys Hostel, the beneficiary has to take all necessary steps to protect the Government land being encroached. As the main grievances of the Writ Petition is about the encroachments made by the 5th respondent on Govt. land allotted to Govt. B.C. Boys Hostel, Bhainsa and the encroacher was evicted and possession was handedover to the officer of the Govt. B.C. Boys Hostel, Bhainsa, the Writ Petition filed may be closed."

A perusal of the above reproduced contents of the affidavit of Sri K. Gangadhar shows that at last, the authorities concerned have woken up from slumber and taken steps to remove encroachment from the land of B.C. Boys Hostel. If they had not done so, the Court would have issued mandatory directions to them to do so.

Learned counsel for respondent No.5 says that his client is aggrieved by the action taken by the authorities to remove his alleged encroachment from the land of B.C. Boys hostel and is proposing to challenge the same by filing an appeal under the A.P. Land Encroachment Act, 1905.

Without commenting on the entitlement of respondent No.5 to challenge the action taken by the authorities concerned to remove encroachment from the land of B.C. Boys Hostel, we dispose of the writ petition with a direction to the District Collector, Adilabad and his subordinates as also Executive Director, Social Welfare, Government of Andhra Pradesh to take all necessary steps including the use of police force for protecting the land of B.C. Boys Hostel.

Needless to say that this order shall not, in any manner, prejudice the rights of respondent No.5 to avail appropriate legal remedy against the action taken by the governmental authorities to remove the encroachment.

G.S. SINGHVI, C.J.

Date:29-12-2005

R. SUBHASH REDDY, J

PV

HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.10146 OF 2005

Between:

Vasudev Gangadhar S/o. Kishan,

Hindu, aged about 52 years, Occ: Social Worker –

Area Hospital Development Committee

Member (B.C. Class),

R/o.1-1-142, Bhattigalli, Bhainsa.

.. Petitioner

AND

The District Collector, Adilabad & 4 others

.. Respondents

::ORDER::

Counsel for the appellants : Mr. K. Manik Prabhu

Counsel for Respondents 1 & 2: G.P. for Revenue

Counsel for Respondent No.3 : G.P. for Social Welfare

Counsel for Respondent No.4 : P. Radha Krishna
S.C. for Bhainsa Municipality

Counsel for Respondent No.5 : Mr. V. Ravinder Rao

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29th December, 2005

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